UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/315/Add.1
16 February 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1997

Addendum

Gabon*

[4 February 1997]

---

* This document constitutes the second, third, fourth, fifth, sixth, seventh, eighth and ninth periodic reports of Gabon which were due on 30 March 1983, 1985, 1987, 1989, 1991, 1993, 1995 and 1997 respectively. For the initial report of Gabon and the summary records of the Committee's meetings at which that report was considered, see documents CERD/C/71/Add.1 and 3 and CERD/C/SR.550 respectively.

The annexes supplied by Gabon may be consulted in the secretariat's files.

The information submitted by Gabon in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.65.

CONTENTS

	Paragraphs	Page
Introduction	1 - 2	3
I. GENERAL	3 - 5	3
II. INFORMATION CONCERNING ARTICLES 2 TO 7	6 - 19	3
Education and instruction	20 - 23	5
Culture	24 - 25	5

INTRODUCTION

1. Since its last report, submitted on 17 April 1991 (CERD/C/71/Add.1), Gabon has not presented any further report under this head. This silence is attributable to a number of factors, one of the main reasons being lack of human resources.

2. In submitting this report under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, Gabon has been concerned to honour its commitments. Thus, in view of the constitutional amendments that recently came into effect in Gabon (Act No. 01/97 of 22 April 1997), the present report will combine the updated basic document, constituting the initial part of the reports of States parties, with the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth periodic reports of Gabon that were due under article 9 of the Convention.

I. GENERAL

Measures to combat racial discrimination and general legal framework

3. Gabon has acceded to the principal international conventions on human rights, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the 1981 African Charter on Human and Peoples' Rights. The main provisions of the Convention on the Elimination of All Forms of Racial Discrimination have been incorporated into the Gabonese Convention of 22 April 1997.

Status of the Convention in relation to domestic law

4. Article 13, paragraph 1 of the Constitution states that "the President of the Republic shall negotiate treaties and international agreements and ratify them after the enactment of an authorizing act by Parliament and verification of their constitutionality by the Constitutional Court" (Organization Act 13/94 of 17 September 1994, chapter 1, section 5: "Procedure for verifying the constitutionality of international commitments", arts. 53 to 55).

5. The Convention has constituted an integral part of Gabonese legislation since 29 February 1980, the date of its ratification by Gabon, and its provisions can be invoked by citizens and associations before the courts.

II. INFORMATION CONCERNING ARTICLES 2 TO 7

6. It is important first of all to consider certain characteristics of Gabonese society and the Gabonese State in order to understand Gabon's situation with regard to the application of the Convention.

A. Characteristics

(a) The human element

7. Racial discrimination is not a feature of Gabonese culture. The settlement of Gabon took place as a result of migrations that brought together different ethnic groups. At the present time the Gabonese population is composed of at least 40 ethnic entities falling into four groups. The harmonious cohabitation of those ethnic entities is therefore an age-old and daily reality. Cultural plurality is thus a geopolitical fact.

(b) Political will

8. With such ethnic multiplicity and cultural complexity, entrenchment and preservation of national unity are imperative.

(c) Choice of economic system

9. This has been determined unambiguously in favour of liberalism and, accordingly, of opening up to foreign labour and capital markets. The influx of money and the manpower requirements, which are considerable in certain sectors, have naturally been accompanied by movements of foreign populations attracted by Gabonese growth. They are now taking part in the country's economic activities in a great many branches.

B. Consequences

(a) Constitutional framework

10. The Constitution as framed bears the marks of two complementary ideas which Gabon has always meticulously sought to respect:

> Differences in racial or ethnic origin cannot, under any circumstances, override the oneness of the human species;
>
> The ultimate value of the temporal world resides in the human individual.

11. Thus the preamble to the Constitution, which constitutes an integral part of the Basic Act, with force of positive law, solemnly proclaims the commitment of the Gabonese people "to the principles of democracy and human rights, as defined in the 1948 Universal Declaration of Human Rights".

(b) Demographic situation

12. The Gabonese population is estimated at 1,200,000 (1993 census, Ministry of Planning). The foreign community consists of about 200,000 persons. Those are some of the data in the light of which the concrete measures that Gabon has taken to apply the International Convention should be assessed.

13. The particulars hereinunder show how Gabon has sought to honour its commitment to combating racial discrimination.

14. Article 1, paragraph 2 of the Constitution states that "freedom of conscience, thought, opinion, expression, communication and religious practice shall be guaranteed to all, subject to the preservation of public order".

15. In paragraph 7 it is stated also that "every citizen shall have the duty to work and the right to obtain employment. Nobody may suffer in his work by reason of origin, sex, race or opinion".

16. Article 1, paragraph 13 provides that "the right to form associations, political parties or groupings, trade unions, societies, establishments with social aims, and religious communities shall be guaranteed to all subject to conditions laid down by law".

17. Article 3, paragraph 13 stipulates that "any act of racial, ethnic or religious discrimination and any regionalist propaganda prejudicial to the internal or external security of the State or the integrity of the Republic shall be punishable by law".

18. With reference to article 6 of the Convention, article 1, paragraph 23 of the Constitution provides that "no one may be arbitrarily detained; no one may be held in police custody or under a detention warrant if he provides adequate guarantees of representation, subject to the exigencies of security and procedure. Every accused person is presumed innocent until his guilt is established by due process providing the essential guarantees for his defence".

19. The judiciary, as guardian of the freedom of the individual, ensures respect for those principles within the time frame laid down by law.

C. Education and instruction

20. Schooling in Gabon is democratic and open to all, without distinction of sex, race or religion. All communities have the right to enrol their children at the schools of their choice and within the limits of available places.

21. Article 1, paragraph 18 of the Constitution provides to this end that "the State shall ensure equal access for children and adults to education, occupational training and culture".

22. Gabon's educational policy since it attained independence has made possible a quantitative development ranking among the foremost in Africa. The gross school attendance rate is close to 100 per cent. Schooling is free and compulsory for all children up to 16 years of age.

23. Over the past three years the Gabonese Government has allocated over 51 billion CFA francs, or 17.2 per cent of total State expenditure, to national education. Despite the budgetary fluctuations due to fluctuations in State revenue, the Government intends, in its latest projections, to continue this effort.

D. Culture

24. The policy of the Gabonese Government is centred on sociocultural activities, despite the lack of suitable facilities able to enlist the interest and support of the majority of people.

25. It is evident from the foregoing that Gabon is determined to comply with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, in order to ensure peace and social stability. The Constitution and the legislative and regulatory enactments vouch for that determination.

LIST OF ANNEXES

Annex 1. Constitution of the Gabonese Republic
Act No. 1/94 of 22 April 1997

Annex 2. Act No. 3/94: Labour Code

Annex 3. Organization Law No. 9/91 of 26 September 1991, amended by
Act No. 13/94 of 17 September 1994 (Constitutional court)

Annex 4. National report on the implementation of forward-looking action
strategies for the advancement of women